IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

CRP.No. 354 of 2007

O.P(E.A).NO.213/2002 OF ADDL. DISTRICT COURT, ALAPPUZHA.
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REVISION PETITIONER/ RESPONDENT:

POWER GRID CORPORATION OF INDIA LTD.,
NANGIARKULANGARA, HARIPPAD, REPRESENTED BY
ITS MANAGING DIRECTOR.

BY ADV. SRI.MILLU DANDAPANI.

RESPONDENTS/ PETITIONERS:
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1. **SARASWATHY AMMA,**
   PANAYIL THEKKU PUTHEN VEEDU, PANAYIL MURI,
   PALAMEL VILLAGE.

2. **RUGMINI AMMA,**
   PANAYIL THEKKU PUTHEN VEEDU, PANAYIL MURI,
   PALAMEL VILLAGE.

R1 & R2 BY ADV. SRI.PHILIP M.VARUGHESE.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 29/11/2007,ALONG WITH C.R.P. NOS. 605/2007 & 669/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NOs. 354, 605

& 669 OF 2007

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Dated this the 29th day of November, 2007.

O R D E R

C.R.P. 354/07 is preferred against the order of the Addl. District Judge, Alappuzha in OP(EA)213/02. C.R.P.605/07 is filed against O.P.(EA) 183/02 and C.R.P. 669/07 is preferred against O.P.(E.A.)260/02. In all these cases compensation has been fixed taking into consideration a Full Bench decision of this Court reported in ***Kumba Amma v. K.S.E.B. (2000(1) KLT 542).*** That is, the petitioners are entitled to 5% return taking the annuity factors. The Apex Court in the decision reported in ***K.S.E.B. v. Livisha (2007 (3) KLT page 1***) has held that,

> "The situs of the land, the distance between the high voltage electricity line laid thereover, the extent of the line thereon as also the fact as to whether the high voltage line passes over a small track of land or through the middle of the land and other similar relevant factors in our opinion would be determinative. The value of the land would also be a relevant factor. The owner of the land furthermore, in a

given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used. So far as the compensation in relation to fruit bearing trees are concerned the same would also depend upon the facts and circumstances of each case."

2. From the enunciated principles laid down in the decision referred to above the matter requires further consideration and additional oral and documentary evidence may be necessary for proper disposal of the matter. Therefore, orders under challenge are set aside and the matters are remitted back to the Court below for fresh consideration in the light of the enunciated principles laid down in the decision reported in ***2007 (3) KLT page 1***. Parties are directed to appear before the Court below on 10.1.2008.

3. It is made clear that it is an open remand.

The C.R.Ps. are disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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